

M. J. Haden
Staff Attorney
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA
550 West Seventh Avenue, Suite 1600
Anchorage, Alaska 99501
(907) 646-3400

Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON PAUL ONIS KING KIVI,

Defendant.

Case No. 3:05-cr-0106-JWS

**UNOPPOSED MOTION
ON SHORTENED TIME TO
CONTINUE TRIAL**

Defendant, Jason Paul Onis King Kivi, by and through counsel M. J. Haden, Staff Attorney, moves this court on shortened time to continue the trial in this matter, currently scheduled for Monday, February 27, 2006. The continuance is necessary for two reasons.

First, a continuance is necessary to allow Mr. Kivi sufficient time to discuss his trial options following the court's final ruling on his motion to suppress. The magistrate judge has issued a preliminary report and recommendation. Mr. Kivi has filed his objections to the court's recommendation. The government's response to Mr. Kivi's objections are not due until February 22, 2006. Mr. Kivi expects that the court will not

make a final ruling until February 23, 2006, at the earliest. As the motion to suppress is dispositive, Mr. Kivi requests additional time to consider his options and alert the government of his intentions.

Second, Mr. Kivi currently is being held at the Wildwood Correctional Center in Kenai in connection with State v. Jason Kivi, 3KN-S05-1566. As a result, undersigned counsel has not been able to consult with him about the case.

The government does not oppose this request.

Time under the speedy trial rule involved in this request is excludable pursuant to 18 U.S.C. §§ 3161(h)(1)(D) and (F).

This motion is submitted pursuant to D. Alaska Loc. Crim. R. 47.1 and is based upon the affidavit of counsel filed herewith.

DATED this 16th day of February, 2005.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA

/s/ M. J. Haden
Staff Attorney
Georgia Bar No. 316531
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Ph: (907) 646-3400
Fax: (907) 646-3480
mj_haden@fd.org

Certification:

I certify that on February 16, 2006, a copy of the foregoing document, with attachments, was served electronically on:

Bryan Schroder, Esq.

/s/ M. J. Haden